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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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10/589,012

04/26/2007

Virgil Allen Watson

P06721US1-WATSON

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EXAMINER

DYE, ROBERT C

ART UNIT

PAPER NUMBER

1791

MAIL DATE

DELIVERY MODE

11/16/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

| | | | |
|--|--------------------------------------|--------------------------------------|--|
| <p align="center">Advisory Action Before the Filing of an Appeal Brief</p> | Application No. 10/589,012 | Applicant(s) WATSON ET AL. | |
| | Examiner ROBERT DYE | Art Unit 1791 | |

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 30 October 2009 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
 b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
 (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
 (b) ☐ They raise the issue of new matter (see NOTE below);
 (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
 5. ☐ Applicant's reply has overcome the following rejection(s): _____.
 6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
 7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
 The status of the claim(s) is (or will be) as follows:
 Claim(s) allowed: _____.
 Claim(s) objected to: _____.
 Claim(s) rejected: 2,4,6-13 and 15-19.
 Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
 9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
 10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
 12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). _____.
 13. ☐ Other: _____.

/Joseph S. Del Sole/
Supervisory Patent Examiner, Art Unit 1791

/R. D./

Continuation of 11. does NOT place the application in condition for allowance because: Applicant's arguments are summarized as follows: Regarding claim 2, Applicant argues that Abrams does not teach a sign comprising a mounting feature for securing to a second object, wherein the second object is a second sign and wherein the mounting feature secures the first sign to a back side of the second sign located opposite from the label. Applicant argues that the obviousness argument is based upon improper hindsight reasoning.

Regarding claim 9, Applicant argues that while Alberts teaches that alternative ejection means can be provided in the mold cavity 14 and that means including ejection pins can be employed, Alberts does not expressly teach an ejector system which contacts the formed sign on a side opposite from the label.

Regarding the claim 2 argument, in response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971).

Abrams discloses a molded sign which can be employed in various applications and in particular, Abrams discloses an advertisement sign. The sign of Abrams is not limited to a basketball backboard and thus is not limited to only attaching the sign to posts or walls. The display of advertisement signs is very well-known in the art, including the attachment of multiple signs for the purpose of displaying information from multiple directions or multiple messages. The signs of Abrams include mounting features located on the backside of the sign, opposite the label. It would have been obvious to a person having ordinary skill in the art at the time of the invention to employ said mounting features to attach the sign to a second sign for the reasons stated. Such would have employed knowledge which was within the level of ordinary skill at the time the claimed invention was made.

The Examiner notes that Bowers discloses attaching two identical signs together and discloses mounting features (groove 38a, 38b and connector members 46a and 46b) which are located on the side of the sign opposite the label and are employed to connect to mounting features on the back side of a second identical sign (paragraph[0031] describes a similar framing attachment means and notes the back face attachment).

Regarding the claim 9 argument, in the molding method of Alberts, the label 60 is placed onto the surface of male mold and resin is injection molded onto the label from the female mold side. When the mold is opened, the formed part is retained in the female mold side with the label located on the outer surface and the formed resin side on female mold surface since the resin was injected onto the backside of the label. Alberts teaches that alternative ejection means can be located in the female cavity 14 and said means can include conventional ejection pins. Conventional ejection pins operate by extending from a mold surface so as to contact a formed article and push it from the molding surface. Since the article of Alberts is molded such that the label is located on the surface opposite the female mold cavity 14 surface, locating a conventional ejection pin system in cavity 14 as suggested by Alberts would intrinsically result in the pins contacting the resin side of the formed article. Thus, Alberts discloses an ejection system which contacts a formed sign on a side opposite from the label.